IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 13414 of 2007(V)

PETITIONER:

M.K.VIJAYAN, S/O. APPUKUTTAN,
AGED 35 YEARS, MELEKUZHIYIL, P.O.OTHALUR,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.C.RAGHAVAN

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF PANCHAYAT,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM.

3. PATTITHARA PANCHAYAT, REPRESENTED BY
THE SECRETARY, P.O.THALAKKASSERI,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.K.P.SUDHEER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C)No. 13414 OF 2007-V

DATED THIS THE 10th December , 2007

J U D G M E N T

The petitioner is the Convenor of the beneficiary committee constituted for executing the work Gokhele Vembath Meppuram M.W.s.(Mini water scheme) No.5077/06 within the area of the third respondent Panchayat in Palakkad District. Under Ext.P1 the work was included in S.G.R.Y.(Sampurna Gramin Rozgar Yojana) Scheme for 2005-06 as per decision of the Panchayat. Ext.P2 rough estimate for the work is Rs.2,50,000/-. Under Ext.P3 the petitioner has been recognized as convenor of the beneficiary committee constituted for execution of the work. The grievance of the petitioner is that though the work was completely executed on time and to the satisfaction of the technical authorities, the amount spared to him – Rs.1,73,100/- is not being paid.

2. A detailed statement has been filed by the Panchayat producing various documents . The statements and the documents would show that the Panchayat cannot be blamed for not releasing the amount which is correctly due to the petitioner. Ext.R3(c) representation has been submitted by the Panchayat before the Government under the Local Self Government Department wherein

Ext.R3(k) order issued by the Government in the case of Thirumittakode Grama Panchayat, another Panchayat in the Palakkad District itself is relied on and referred to. Considering the circumstance that the work in question was satisfactorily executed and the amount claimed is due to the petitioner it is only appropriate that the Government takes into account Ext.R3(n) and pass early orders on Ext.R3(c). This writ petition therefore will stand disposed of issuing the following direction:

The first respondent will take up Ext.R3(c)immediately considering Ext.R3(k) order passed in favour of Thirumittakode panchayat and take a decision at the earliest, at any rate within six weeks of the petitioner placing before the Government a copy of this judgment, copy of this writ petition and a copy of necessary Exhibits particularly Ext.R3(k).

(PIUS C.KURIAKOSE, JUDGE)

ks.